

its quarterly franchise tax returns with the Agency of Natural Resources from the first quarter of 2012 through the end of 2016;

WHEREAS, Defendant solely for purposes of resolving this case has admitted the factual allegations of the Pleadings by Agreement and, without formally admitting or denying liability, has agreed to the settlement of these violations of Vermont law, such violations which shall qualify as “prior violations” for purposes of any future State action considering Defendant’s compliance record, as well as the compliance record in Vermont of any and all of Defendant’s successors, assigns, and affiliated companies;

WHEREAS, the Attorney General pursuant to 3 V.S.A., Chapter 7 has the general supervision of matters and actions in favor of the State, and may settle such matters as the interests of the State require;

WHEREAS, under 10 V.S.A. § 8221, Defendant is potentially liable for civil penalties of up to \$85,000.00 for each violation and \$42,500.00 per violation for each day the violation continued;

WHEREAS, the State considered the criteria in 10 V.S.A. §§ 8010(b) and (c) in arriving at the proposed penalty amount, including the degree of actual or potential impact on public health, safety, welfare and the environment resulting from the violations and that Defendant knew or had reason to know the violations existed;

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WHEREAS, the Attorney General believes that this settlement is fair, reasonable, and in the State's interest as it upholds the statutory regimes of 10 V.S.A., Chapter 159, and 32 V.S.A., Subchapter 13, in which the violations occurred; and

WHEREAS, the Consent Order has been negotiated by the State and Defendant in good faith and that the implementation of this Consent Order will avoid prolonged and complicated litigation between the parties;


NOW, THEREFORE, the State and Defendant hereby stipulate and agree as follows:

1. The attached Consent Order may be entered by the Court;
2. The State and Defendant hereby waive all rights to contest or appeal the Consent Order and they shall not challenge, in this or any other proceeding, the validity of any of the terms of the Consent Order or of this Court's jurisdiction to enter the Consent Order; and
3. The Consent Order sets forth the complete agreement of the parties, and it may be altered, amended, or otherwise modified only by subsequent written agreements signed by the parties' legal representatives and approved by the Court.

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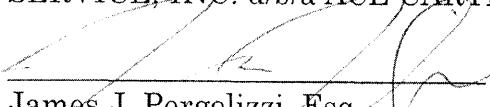
DATED at Montpelier, Vermont, this 18th day of February, 2018.

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

By: 
Megan R.H. Hereth
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, Vermont 05609

DATED at Rochester, New York, this 2nd day of February, 2018.

COUNTY WASTE AND RECYCLING
SERVICE, INC. d/b/a ACE-CARTING

By: 
James J. Pergolizzi, Esq.
Counsel for Defendant
Bond Schoeneck & King, PLLC
350 Linden Oaks
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GENERAL
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DATED at Montpelier, Vermont, this ____ day of February, 2018.

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

By: _____

Megan R.H. Hereth
Assistant Attorney General
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109 State Street
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DATED at Rochester, New York, this 2nd day of February, 2018.

COUNTY WASTE AND RECYCLING
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By: _____

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